

EXHIBIT 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: : Docket #22cv10336
LOCAL 2507, UNIFORMED EMTs, :
PARAMEDICS & FIRE INSPECTORS, :
et al., :
Plaintiffs, :
- against - :
CITY OF NEW YORK, : New York, New York
Defendant. : May 14, 2025
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PROCEEDINGS BEFORE
THE HONORABLE GABRIEL W. GORENSTEIN,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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1 PROCEEDING 15

2 way to have put it and what's the answer?

3 MS. KURLAND: They are for both Fire and EMS

4 jobs in the FDNY.

5 THE COURT: I see. So does the form itself

6 specify Fire, EMS, both, neither, silent?

7 MS. KURLAND: So you can identify when you have

8 an interest in applying for EMS or whether you have an

9 interest in applying for Fire, and the testimony of

10 plaintiffs is that they are told for women and people of

11 color to encourage them, if they come up and ask to fill

12 out an expression of interest for Fire, they are told

13 fill, you know, to also check off the EMS box because --

14 THE COURT: Wait, I'm sorry, who's telling who?

15 Start again.

16 MS. KURLAND: Sure. The what's called the

17 recruiters, the recruiters for the FDNY, one of which is

18 an affiant here, explains that she was recruiting for

19 the FDNY in communities of color and that she was told,

20 as were others, that the policy was when a woman or

21 person of color approach the table to express an

22 interest in applying for a position for Fire, they were

23 told to also file out an expression of interest for EMS

24 because it was easier to get into EMS and then they

25 could eventually go to Fire and that we're going to show

1 PROCEEDING 16
2 that those expression of interests where you're going to
3 see, I think, that women and people of color have both
4 of those boxes checked. It's going to corroborate the
5 Simmons testimony that, in fact, defendant was steering
6 women and people of color to the EMS side which is an
7 important and relevant topic for our segregated,
8 occupational segregation.

9 THE COURT: Okay, just to get back to what the
10 affiants were asserting. So the affiants are asserting
11 that they were told by superiors within FDNY that if a
12 plaintiff class person approached and handed in a form
13 with just FDNY checked or asked about how to fill out
14 the form or what, the person was told to be sure to
15 check EMS as well or instead of FDNY. Why don't you
16 correct me for where I got all that wrong.

17 MS. KURLAND: They were encouraged and
18 recommended to also check the EMS box and to actually
19 ultimately apply for EMS positions --

20 THE COURT: Okay.

21 MS. KURLAND: -- instead of Fire positions.

22 THE COURT: All right, so your theory is that
23 this form - tell me what - I guess my problem is how
24 does this form - what kind of data can you get from this
25 form that would back up the contention that this was, of

1 PROCEEDING 17

2 what the affiants were saying?

3 MS. KURLAND: For example, as counsel had

4 acknowledged, race and gender demographics are on that

5 form so you will see women and people of color checking

6 off both boxes instead of just checking off the Fire box

7 compared to white and male --

8 THE COURT: Okay, so if we have 100 percent

9 white males check Fire and 100 percent black and females

10 check both, you think that would be indicative, that

11 would back up your affiants.

12 MS. KURLAND: It would.

13 THE COURT: Okay. Let me just go back to the

14 defendants. I mean there's two steps to this. One is

15 that the forms would back up the affiants and the second

16 is whether the affiants' claim is relevant to this,

17 whether the affiants' statement about the steering, are

18 you saying that's not relevant to this case or are you

19 saying the data from the forms would not be relevant? So

20 why don't you help me on that.

21 MS. PHILION: Sure, so, Your Honor, first, as

22 an initial matter, I must correct something that Ms.

23 Kurland said. This is not form in which you check a

24 box. There are two forms. There's one to express

25 interest in a position as a firefighter and one to